

1 The City Council of the City of Seabrook met in regular session on Tuesday, February 18, 2020 at
2 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if
3 appropriate, take action on the items listed below.
4

5 THOSE PRESENT WERE:

- | | |
|--------------------------|---------------------|
| 6 THOM KOLUPSKI | MAYOR |
| 7 ED KLEIN | COUNCIL PLACE NO. 1 |
| 8 LAURA DAVIS - Ex. Abs. | COUNCIL PLACE NO. 2 |
| 9 JEFF LARSON | COUNCIL PLACE NO. 3 |
| 10 NATALIE PICHA | MAYOR PRO TEM |
| 11 | COUNCIL PLACE NO. 4 |
| 12 BUDDY HAMMANN | COUNCIL PLACE NO. 5 |
| 13 JOE MACHOL | COUNCIL PLACE NO. 6 |
| 14 GAYLE COOK | CITY MANAGER |
| 15 SEAN LANDIS | DEPUTY CITY MANAGER |
| 16 STEVE WEATHERED | CITY ATTORNEY |
| 17 ROBIN HICKS | CITY SECRETARY |

18
19 Mayor Kolupksi called the meeting to order at 7:00 p.m. and led the audience in the United States
20 and Texas Pledge of Allegiance.
21

22 **1. PRESENTATIONS**

23
24 **1.1** Presentation of the Open Space and Trails Committee Quarterly Report. *Helen Burton,*
25 *Chair, Open Space and Trails Committee*
26

27 Helen Burton, Chair of the Open Space and Trails Committee, presented a report on several
28 items, as seen in Attachment A, including:
29

- 30 • Erosion control at Robinson Park will take place in the fall
- 31 • Trees for Houston donated 50 ten gallon trees, planted at Pine Gully Park and Meador Park
- 32 • Apache donated trees 100 five gallon trees, planted throughout the City. John Coggeshall
- 33 was instrumental in recruiting volunteers for this project and making sure that mulch and
- 34 maps were provided and the trees were staged for planting
- 35 • Hester and Pine Gullies have been clean up by master naturalists twice per year
- 36 • There was a nice turnout for the last Birding by the Bay event and the group found 21 birds,
- 37 including 1 bald eagle
- 38 • The trail at Pine Gully was reported as slippery and City staff was out the next day repairing
- 39 it so that people could continue to use it
- 40 • The Evelyn Meador Library has a new program, a community garden on the park side. Sod
- 41 has been torn out for planting herbs.
- 42 • John Coggeshall is building a chimney swift tower that he will decorate. City staff poured
- 43 the concrete base for this tower
- 44 • Volunteer hours for 2019 totaled 2265 for a value of \$55,992 and Community Services
- 45 hours totaled 1629 for a value of \$3894.40

- 46 • The Open Space and Trails Committee is currently working on several projects including
47 a Keep Texas Beautiful grant submission; mile marker trail maps; chimney swift boxes;
48 City recognition for the birding events; and the woodlands regeneration
49 • Upcoming events include a bird count on March 7; the Seabrook Lucky Trail Marathon on
50 March 13-15; and Seabrook Trash Bash on March 28
51

52 **2. PUBLIC COMMENTS AND ANNOUNCEMENTS**
53

54 Dr. Sorla Bhondsle, 526 Pine Gully, explained that there is a problem with people coming
55 onto her property from Carothers, which is adjoining. There have been several instances last year
56 where the police were called at least four times for people over the age of 21 and a few times for
57 persons ages 17-18. The police found people sitting on the porch using drugs during one of the
58 incidents. People have destroyed the property, including hitting windows and doors with ties,
59 which is expensive and extremely inconvenient to repair. The only way people can access the
60 property is from Carothers Coastal Gardens. It is an unfortunate situation, so the request is for
61 City Council and City staff to look into it.
62

63 **2.1** Mayor, City Council, and/or members of City Staff may make announcements about
64 City/Community events, including other agency events and meetings attended by City Council
65 members. *City Council*
66

67 Councilmember Klein announced several upcoming events, including Bay Cup 1; Daylight
68 Savings time change; CCISD Spring Break; Seabrook Lucky Trails; and Seabrook Trash Bash.
69

70 **3. SPECIFIC PUBLIC HEARINGS**
71

72 **3.1** Conduct a public hearing on a request for a Conditional Use Permit to establish a "Bar" at
73 2900 E. Nasa Parkway, Suite 250, as per the Seabrook City Code, Appendix A, "Comprehensive
74 Zoning", Article 4, "Special Use Regulations", Section 4.11, "Conditional Use Permit Criteria and
75 Procedures". *Sean Landis, Deputy City Manager*
76

77 Mayor Kolupki opened the public hearing.
78

79 Sean Landis explained the applicant is requesting a CUP to open a bar, targeting young
80 professionals 21-35 in age with a dress code. The plan is to set it up like a Starbucks where a
81 person can hang out and work on his/her computer with wine and beer. The Planning & Zoning
82 Commission recommended approval by unanimous vote.
83

84 Council asked if there are plans to serve mixed drinks in the future, if this was the
85 applicant's first bar, and what is the capacity.
86

87 Bryan Marshall, Applicant, 2900 E. Nasa Pkwy, stated that this is his first bar and he would
88 eventually like to serve mixed drinks, but right now the permit for mixed drinks is expensive. He
89 stated that he will be polling his clientele to find out what expansion would look like. Mr. Marshall

90 explained that the space has a capacity for 140 people and right now the seating configuration will
91 accommodate 60.

92

93 No speakers having come forward, Mayor Kolupski closed the public hearing.

94

95 **3.2** Conduct a public hearing on a request for a Conditional Use Permit to establish an "Open Air
96 Market" at 902 Hardesty Avenue as per the Seabrook City Code, Appendix A, "Comprehensive
97 Zoning", Article 4, "Special Use Regulations", Section 4.11, "Conditional Use Permit Criteria and
98 Procedures'. *Sean Landis, Deputy City Manager*

99

100 Mayor Kolupski opened the public hearing.

101

102 Pat Clementi, 1311 Shorewood Drive, spoke in favor of the Open Air Market, stating that
103 the market will be a big boost to the commerce in Seabrook and since Jenuine Treasures has opened
104 up, there has been more traffic in Old Seabrook. The owner of Jenuine Treasures, Applicant, gives
105 100% to anything she does, and once she commits, she commits to succeed.

106

107 Jennifer Pitts, Applicant, responded to questions that the market will be held on Saturdays
108 only, year round, with tents and parking has been worked out so that there will not be a parking
109 problem in the area.

110

111 No speakers having come forward, Mayor Kolupski closed the public hearing.

112

113 **4. CONSENT AGENDA**

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115 **4.1** Approve the minutes of the February 4, 2020 regular City Council meeting. *Robin Lenio,*
116 *City Secretary*

117

118 *Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Klein*

119

120 *To approve the Consent Agenda as presented.*

121

122 **MOTION CARRIED BY UNANIMOUS CONSENT**

123

124 **5. NEW BUSINESS**

125

126 **5.1** Consider and take all appropriate action on first reading of proposed Ordinance 2020-08,
127 "Issuance of Conditional Use Permit to allow for an "Open Air Market" at 902 Hardesty Avenue
128 in the OS Old Seabrook District. *Sean Landis, Deputy City Manager*

129

130 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A,
131 "COMPREHENSIVE ZONING", ARTICLE 13, "TEMPORARY AND NONTEXT CHANGES",
132 SECTION 13.03, BY ADDING A NEW PARAGRAPH TWENTY SEVEN (27), GRANTING A
133 CONDITIONAL USE PERMIT ALLOWING FOR AN "OPEN AIR MARKET" AT 902
134 HARDESTY AVENUE WITHIN AN OS (OLD SEABROOK) DISTRICT OF THE CITY;

135 PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR VIOLATION
136 OF ANY PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL
137 ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT
138 HEREWITH; AND PROVIDING FOR SEVERABILITY
139

140 *Motion was made by Councilmember Machol and seconded by Councilmember Klein*

141
142 *To approve on first reading proposed Ordinance 2020-08, "Issuance of Conditional Use Permit*
143 *to allow for an "Open Air Market" at 902 Hardesty Avenue in the OS Old Seabrook District.*
144

145 **MOTION CARRIED BY UNANIMOUS CONSENT**

146
147 **5.2** Consider and take all appropriate action on first reading of proposed Ordinance 2020-09,
148 "Issuance of Conditional Use Permit to allow a "Bar" at 2900 E. Nasa Parkway, Suite 250, in the
149 C-2 Medium Commercial District". *Sean Landis, Deputy City Manager*

150
151 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A,
152 "COMPREHENSIVE ZONING", ARTICLE 13, "TEMPORARY AND NONTEXT
153 CHANGES", SECTION 13.03, BY ADDING A NEW PARAGRAPH TWENTY SIX (26),
154 GRANTING A CONDITIONAL USE PERMIT ALLOWING FOR THE OPERATION OF A
155 "BAR" AT 2900 E. NASA PARKWAY, SUITE 250, WITHIN A C-2 (MEDIUM
156 COMMERCIAL) DISTRICT OF THE CITY; PROVIDING FOR A PENALTY IN AN
157 AMOUNT NOT TO EXCEED \$2,000.00 FOR VIOLATION OF ANY PROVISIONS HEREOF
158 BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF
159 ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR
160 SEVERABILITY
161

162 *Motion was made by Councilmember Klein and seconded by Councilmember Machol*

163
164 *To approve on first reading proposed Ordinance 2020-09, "Issuance of Conditional Use Permit*
165 *to allow a "Bar" at 2900 E. Nasa Parkway, Suite 250, in the C-2 Medium Commercial District".*
166

167 **MOTION CARRIED BY UNANIMOUS CONSENT**

168
169 **5.3** Consider and take all appropriate action on proposed Resolution 2020-02, "The establishment
170 of the Carothers Coastal Gardens Task Force II". *Sean Landis, Deputy City Manager*

171
172 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEABROOK, TEXAS,
173 FORMALLY ESTABLISHING THE CAROTHERS COASTAL GARDENS TASK FORCE II
174 AND ESTABLISHING PARAMETERS AND CRITERIA FOR SUCH
175

176 Councilmembers stated concerns and questions as follows:

- 177
178
 - With regard to whether this Task Force, an advisory committee, would adhere to the Open
179 Meetings Act (OMA), it would have to adhere to all communication rules, which is

180 monitoring emails, texts, so on. I'm on the fence about whether to make this committee
181 adhere to OMA. I do think the meeting notices should be posted in public, but there is a
182 burden on staff as well as the committee on how the OMA is handled.

- 183 • Another concern is I really want to see new ideas and new input from this committee. It's
184 pretty clear if you look at page 2 of the attachment, number 8 is probably the reason the
185 entire thing has gotten started.. There needs to be accountability to tax payers and the City,
186 with serving the welfare of the citizens being first and foremost. This Task Force is not
187 being formed lightly and as applications are reviewed and the requirements under the Open
188 Meetings Act, all of the above is taken into account.
- 189 • I don't agree that this Task Force be under the requirements of the Open Meetings Act. I'd
190 rather see the ability to have open interaction with the Task Force than having a set agenda.
- 191 • I agree. The OMA burden on the Task Force is large. Having everything open to public
192 record means the Task Force members' emails, phone messages, text messages. Is that a
193 burden City staff wants? It's a burden because the rules were changed by the State
194 Legislature, and it's quite a task to keep track of it. I would like it to be very open in a
195 sense that the public would be allowed to be there. It needs to be transparent, but it can't
196 be regulated that tightly. I think it should be open for discussion.
- 197 • What is the purpose of this? Why are we doing this? Council has the duty to make sure
198 that money is spent fiscally responsibly. The Council needs to hear options. It's been 10
199 years of looking for recommendations, but there have been none. Something has to be
200 done. It can't sit vacant. The original ballot said it would be an enhancement to Pine Gully
201 Park. It has never been used as an enhancement to Pine Gully Park. Ideas are needed.
- 202 • It's not just about finding something to do with the property. It's also about giving the
203 voters the cost estimates that go along with the recommendations/suggestions or if nothing
204 changes, then this is the cost. Structures require maintenance and upkeep. Voters need to
205 know how it will hit the pocketbook.
- 206 • I hate the Open Meetings Act rules that during public comments there cannot be interaction
207 or discussion, but the meetings are open to the public, so that the public can hear the
208 discussion and see the way that Council votes. Fresh, new, good ideas are needed.

209
210 *Motion was made by Councilmember Machol and seconded by Councilmember Larson*

211
212 *To approve Resolution 2020-02, "The establishment of the Carothers Coastal Gardens Task Force*
213 *II" with an amendment to add the phrase, "however, all meetings shall be open to the public" after*
214 *the word "policy" in the 6th WHEREAS clause*

215
216 *MOTION CARRIED BY UNANIMOUS CONSENT*

217
218 **6. ROUTINE BUSINESS**

219
220 **6.1** Update and report on various items that require no action, including SH 146 Expansion
221 Project, City of Seabrook CIP Projects, and City of Seabrook Grant Administration. *Gayle Cook,*
222 *City Manager*

223

224 Gayle Cook, City Manager, gave the following update on the SH 146 Expansion Project,
225 City of Seabrook CIP Projects, and City of Seabrook Grant Administration:

- 226 • **SH 146 Expansion Project** – updates are continuing to be posted
227 on www.146.com. There are additional lane closures this week and drivers are
228 experiencing significant backup traffic during the day. The monthly staff meeting with
229 TXDOT is next week and the City has a list of items to discuss with TXDOT, but no
230 reportable changes to schedule at this time.
- 231 • **CIP Projects** – The lane closures seen on the north side are a result of the rail expansion
232 project, and Public Works staff has learned in their project meetings that there are some
233 grading issues that have halted work. There are no other updates at this time on the rail
234 expansion project. For the waterline projects in Old Seabrook and on Nasa, the first
235 bacterial testing results were not successful; therefore, crews are waiting on results of
236 subsequent testing. The fiber project is ongoing and the ring is almost complete. Final
237 step for completion of the project is laying the cable across Repsdorph and 146.
- 238 • **Grant Administration** – For the HMGP grant, a bid notice was published on the City’s
239 website for principle requirements needed. The City received one submission and staff
240 will be meeting with the bidder this week. This bid looks good and will probably come to
241 Council for award. The engineering piece is still working on Phase 1. For the Harris
242 County Partnership Program, staff submitted all Council approved CIP Projects that were
243 applicable, and the City is now waiting on correspondence from the County on status of
244 the submission.

245 **6.2** Establish future meeting dates and agenda items. *City Council*

246
247 City Council will hold the next regular meeting on March 3, 2002 at 7:00pm at Seabrook
248 City Hall.

249
250 **7. CLOSED EXECUTIVE SESSION – 7:42pm**

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252 At 7:42 p.m., Mayor Kolupski announced that the City Council will now hold closed
253 executive meetings pursuant to the provisions of the Open Meetings Act, Chapter 551 Government
254 Code, and Vernon’s Texas Codes Annotated, in accordance with the authority contained in Section
255 551.087, Economic Development Negotiations and Section 551.074, Personnel Matters.

256
257 **7.1 Section 551.087**

258 Conduct a closed executive session to discuss commercial information that the City has received
259 from a business prospect for which the City is conducting economic development negotiations to
260 have the business locate/expand in Seabrook, and deliberate potential financial or other incentives
261 for such purposes pursuant to Texas Government Code Section 551.087. *Gayle Cook, City*
262 *Manager*

263
264 **7.2 Section 551.074**

265 Conduct a closed executive session to deliberate the evaluation and duties of the City
266 Manager. *Thom Kolupski, Mayor*

267
268 **8. OPEN SESSION**
269 *Council will reconvene in Open Session to allow for possible action on any of the agenda items*
270 *listed above under "Closed Executive Session".*

271
272 At 9:11 p.m., Mayor Kolupski reconvened the meeting in open session and stated that
273 items 7.1 and 7.2 had been discussed, but that no action had been taken in executive session.

274 Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 9:11 p.m.

275
276 Approved this 3rd day of March, 2020.

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278
279
280
281 _____
282 Thomas G. Kolupski
283 Mayor

284 _____
285 Robin Lenio, TRMC
286 City Secretary